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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,901	08/27/2003	John Conaway Rush SR.	44501-00045USPT	5072
75	90 07/31/2006		EXAMINER	
Alan R. Thiele			CHIN, RANDALL E	
Suite 3200	JENKENS & GILCHRIST, P.C. Suite 3200		ART UNIT	PAPER NUMBER
1445 Ross Avenue			1744	
Dallas, TX 75	202-2799		DATE MAILED: 07/31/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)				
	10/648,901	RUSH ET AL.				
Office Action Summary	Examiner	Art Unit				
	Randall Chin	1744				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address	••			
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period verallure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	N. nely filed the mailing date of this communic (D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on	_•					
	action is non-final.					
3) Since this application is in condition for allowar	nce except for formal matters, pro	secution as to the merit	s is			
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.				
Disposition of Claims						
4) Claim(s) 1-7 is/are pending in the application.		•				
4a) Of the above claim(s) is/are withdraw	vn from consideration.					
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) <u>1-7</u> are subject to restriction and/or ele	ection requirement.					
Application Papers						
9) The specification is objected to by the Examine	r					
		Examiner.				
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correct			21(d).			
11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152	2.			
Priority under 35 U.S.C. § 119						
	priority under 35 LLS C & 110(a)	\-(d) or (f)				
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:						
1. Certified copies of the priority documents	s have been received					
2. Certified copies of the priority documents have been received in Application No.						
3. Copies of the certified copies of the prior	• •					
application from the International Bureau						
* See the attached detailed Office action for a list of the certified copies not received.						
		·				
Attachment(s)	∧ □	(0.70, 440)				
I) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail Da		•			
B) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) 🔲 Notice of Informal P	ratent Application (PTO-152)				
Paper No(s)/Mail Date	6) Other:					

DETAILED ACTION

1. At the outset, it appears there is a typo referring to "Figure 9" in the specification at p. 16, line 3. There is no Fig. 9 in the drawings nor in the "Brief Description" at p. 7.

Election/Restrictions

2. This application contains claims directed to the following patentably distinct species: 1) Fig. 1 and 2) Fig. 8.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Randall Chin Primary Examiner Art Unit 1744 Page 4